

PRESIDENT'S MESSAGE IS READ IN CONGRESS

In It Taft Says Some Criticism of Payne Tariff Law Is Just, But More of It Is Unfounded--He Advocates Changing Schedules as Necessity for Change Is Made Manifest--Other Matters Discussed.

Washington, Dec. 6.—The president sent the following message to congress today:

To the Senate and House of Representatives:

During the past year the foreign relations of the United States have continued upon a basis of friendship and good understanding.

The year has been notable as witnessing the peaceful settlement of two important international controversies before the permanent court of The Hague.

The arbitration of the fisheries dispute between the United States and Great Britain, which has been the source of nearly continuous diplomatic correspondence since the fisheries convention of 1818, has given an award which is satisfactory to both parties.

Peace Commission.

Appreciating these enlightened tendencies of modern times, the congress at its last session passed a law providing for the appointment of a commission of five members "to be appointed by the president of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war."

The work of the international fisheries commission appointed in 1908, under the treaty of April 11, 1908, between Great Britain and the United States, has resulted in the formulation and recommendation of uniform regulations governing the fisheries of the boundary waters of Canada and the United States for the purpose of protecting and increasing the supply of food fish in such waters.

The Far East.

The center of interest in far eastern affairs during the past year has again been China.

It is gratifying to note that the negotiations for a loan to the Chinese government for the construction of the trunk railway lines from Hankow southward to Canton and westward through the Yangtze valley, known as the Hukang loan, were concluded by the representatives of the various financial groups in May last and the results approved by their respective governments.

Tariff Negotiations.

The new tariff law in section 2 respecting the maximum and minimum tariffs of the United States, which provisions came into effect on April 1, 1910, imposed upon the president the responsibility of determining prior to that date whether or not any undue discrimination existed against the United States and its products in any country of the world with which we maintained commercial relations.

The policy of broader and closer trade relations with the Dominion of Canada which was initiated in the adjustment of the maximum and minimum provisions of the tariff act of August, 1909, has proved mutually beneficial. It justifies further efforts for the readjustment of the commercial relations of the two countries so that their commerce may follow the channels natural to contiguous countries and be commensurate with the steady expansion of trade and industry on both sides of the boundary line.

The Department of State.

All tariff negotiations, so vital to our commerce and industry, and the duty of jealously guarding the equitable and just treatment of our products, capital and industry abroad devolve upon the department of state.

The efforts of that department to secure for citizens of the United States equal opportunities in the markets of the world and to expand American commerce have been most successful. The volume of business obtained in new fields of competition and upon new lines is already very great, and congress is urged to continue to support the department of state in its endeavors for further trade expansion.

An inhumanity impossible to the unimpaired and natural development of American commerce is merchant marine. All maritime and commercial nations recognize the importance of this factor. The greatest commercial nations, our competitors, jealously foster their merchant marine.

I alluded to this most important subject in my last annual message. It has often been before you, and I need not recapitulate the reasons for its recommendation. Unless prompt action be taken the completion of the Panama canal will find this the only great commercial nation unable to avail in international maritime business of this great contribution to the means of the world's commercial intercourse.

For many reasons I cannot too strongly urge upon the congress the passage of a measure by mail subsidy or other suitable adequate to guarantee the establishment and rapid development of an American merchant marine, the restoration of the American flag to its ancient place upon the seas.

"Of course such aid ought only to

be given under conditions of publicity of each beneficiary's business and accounts which would show that the aid received was needed to maintain the trade and was properly used for that purpose.

Estimates For Next Year's Expenses.

The final estimates for the year ending June 30, 1912, as they have been sent to the treasury on Nov. 29 of this year for the ordinary expenses of the government, including those for public buildings, rivers and harbors and the navy building program, amount to \$630,404,013.12. This is \$52,961,887.36 less than the appropriations for the fiscal year ending June 30, 1911. It is \$16,883,153.44 less than the total estimates submitted to congress by the treasury for the year 1911, and is \$5,574,659.39 less than the original estimates submitted by the treasury for 1911.

These figures do not include the appropriations for the Panama canal, the policy in respect to which ought to be and is to spend as much each year as can be economically and effectively expended in order to complete the canal as promptly as possible, and therefore the ordinary motive for cutting down the expense of the government does not apply to appropriations for this purpose. It will be noted that the estimates for the Panama canal for the ensuing year are more than \$56,000,000, an increase of \$20,000,000 over the amount appropriated for this year, a difference due to the fact that the estimates for 1912 include something over \$19,000,000 for the fortification of the canal.

Against the estimates of expenditures, \$630,404,013.12, we have estimated receipts for next year \$680,000,000, making a probable surplus of ordinary receipts over ordinary expenditures of about \$50,000,000, or, taking into account the estimates for the Panama canal, which are \$56,000,000, and which will ultimately be paid in bonds, it will leave a deficit for the next year of about \$7,000,000. If congress shall conclude to fortify the canal, the cost of the fortifications is about \$10,000,000. Should there be no appropriations this year for fortifications then there would be even including the Panama canal appropriation, a surplus of about \$12,000,000.

It is not essential to the preventing of smuggling that customs districts should be increased in number. The violation of the customs laws can be quite as easily prevented and much more economically by the revenue cutter service and by the use of the special agent traveling force of the treasury department.

Very great improvements have been made in respect to the mints and assay offices. Diminished appropriations have been asked for those whose continuance is unnecessary, and this year's estimate of expenses is \$326,000 less than two years ago.

Revenues.

As the treasury department is the one through which the income of the government is collected and its expenditures are disbursed this seems a proper place to consider the operation of the existing tariff bill, which became law Aug. 6, 1909. As an income producing measure the existing tariff bill has never been exceeded by any customs bill in the history of the country.

The corporation excise tax, proportioned to the net income of every business corporation in the country, has worked well. The tax has been easily collected. Its prompt payment indicates that the incidence of the tax has not been heavy. It offers, moreover, an opportunity for knowledge by the government of the general condition and business of all corporations, and that means by far the most important part of the business of the country. In the original act provision was made for the publication of returns. This provision was subsequently amended by congress and the matter left to the regulation of the president. I have directed the issue of the needed regulations and have made it possible for the public generally to know from an examination of the record the returns of all corporations the stock of which is listed on any public stock exchange or is offered for sale to the general public by advertisement or otherwise. The returns of those corporations whose stock is not so listed or offered for sale are directed to be open to the inspection and examination of creditors and stockholders of the corporation whose record is sought. The returns of all corporations are subject to the inspection of any government officer or to the examination of any court, in which the return made by the corporation is relevant and competent evidence.

The Payne Tariff Act.

The schedules of the rates of duty in the Payne tariff act have been subjected to a great deal of criticism,

some of it just, more of it unfounded, and to much misrepresentation. The act was adopted in pursuance of a declaration by the party which is responsible for it that a customs bill should be a tariff for the protection of home industries, the measure of the protection to be the difference between the cost of producing the imported article abroad and the cost of producing it at home, together with such addition to that difference as might give a reasonable profit to the home producer.

Tariff Board.

The time in which the tariff was prepared undoubtedly was so short as to make it impossible for the congress and its experts to acquire the information necessary strictly to conform to the declared measure. In order to avoid criticism of this kind in the future and for the purpose of more nearly conforming to the party promise congress at its last session made provision at my request for the continuance of a board created under the authority of the maximum and minimum clause of the tariff bill and authorized this board to expend the money appropriated under my direction for the ascertainment of the cost of production at home and abroad of the various articles included in the schedules of the tariff. The tariff board thus appointed and authorized has been diligent in preparing itself for the necessary investigations. The hope of those who have advocated the use of this board for tariff purposes is that the question of the rate of a duty imposed shall become more of a business question and less of a political question, to be ascertained by experts of long training and accurate knowledge. The halt in business and the shock to business due to the announcement that a new tariff bill is to be prepared and put in operation will be avoided by treating the schedules one by one as occasion shall arise for a change in the rates of each and only after a report upon the schedule by the tariff board competent to make such report.

It is not likely that the board will be able to make a report during the present session of congress on any of the schedules, because a proper examination involves an enormous amount of detail and a great deal of care, but I hope to be able at the opening of the new congress, or at least during the session of that congress, to bring to its attention the facts in regard to those schedules in the present tariff that may prove to need amendment.

The carrying out of this plan, of course, involves the full cooperation of congress in limiting the consideration in tariff matters to one schedule at a time, because if a proposed amendment to a tariff bill is to involve a complete consideration of all the schedules and another revision then we shall only repeat the evil from which the business of this country has in times past suffered most grievously by stagnation and uncertainty, pending a resettlement of a law affecting all business directly or indirectly, and the effect of which no wise business man would ignore in new projects and new investments.

The inquiries which the members of the tariff board made during the last summer into the methods pursued by other governments with reference to the fixing of tariffs and the determination of their effect upon trade show that each government maintains an office or bureau, the officers and employees of which have made their life work the study of tariff matters, of foreign and home prices and cost of articles imported and the effect of the tariff upon trade, so that whenever a change is thought to be necessary in the tariff law this office is the source of the most reliable information as to the propriety of the change and its effect.

I am strongly convinced that we need in this government just such an office and that it can be secured by making the tariff board already appointed a permanent tariff commission, with such duties, powers and emoluments as it may seem wise to congress to give. It has been proposed to enlarge the board from three to five. The present number is convenient, but I do not know that an increase of two members would be objectionable.

I recommend that congress establish a commission to determine as early as practicable a comprehensive policy for the organization, mobilization and administration of the regular army, the organized militia and the volunteer forces in the event of war.

Philippine Islands.

During the last summer at my request the secretary of war visited the Philippine Islands and has described his trip in his report. He found the islands in a state of tranquillity and growing prosperity, due largely to the change in the tariff laws which has opened the markets of America to the products of the Philippines and has opened the Philippine markets to American manufactures.

Panama Canal.

At the instance of Colonel Goethals, the army engineer officer in charge of the work on the Panama canal, I have just made a visit to the isthmus to inspect the work done and to consult with him on the ground as to certain problems which are likely to arise in the near future. The progress of the work is most satisfactory. If no unexpected obstacle presents itself the canal will be completed well within the time fixed by Colonel Goethals—to wit, Jan. 1, 1915—and within the estimate of cost, \$375,000,000.

Among questions arising for present solution is the decision whether the canal shall be fortified. I have already stated to the congress that I strongly favor fortification, and I now reiterate this opinion and ask your consideration of the subject in the light of the report already before you made by a competent board.

If in our discretion we believe modern fortifications to be necessary to the adequate protection and policing of the canal, then it is our duty to construct them. We have built the canal. It is our property. By convention we have undertaken its universal and equal use. It is also well known that one of the chief objects in the construction of the canal has been to increase the military effectiveness of our navy.

Failure to fortify the canal would leave the attainment of both these aims in the position of rights and obligations which we should be careful to enforce, and which could never in any other way be absolutely safeguarded against a desperate and irresponsible enemy.

In determining what the tolls in the canal should be we certainly ought not to insist that for a good many years to come they should amount to enough to pay the interest on the investment of \$400,000,000 which the United States has made in the construction of the canal. We ought not to do this, first, because the benefits to be derived by the United States from this expenditure are not to be measured solely by a return upon the investment.

My own impression is that the tolls ought not to exceed \$1 per net ton. On Jan. 1, 1911, the tolls in the Suez canal are to be 7 francs and 28 centimes for one net ton by Suez canal measured by weight, which is a modification of Panama measurement. A dollar a ton will secure under the figures above a gross annual income from the Panama canal of nearly \$7,000,000. The cost of maintenance and operation is estimated to exceed \$3,000,000.

The next question that arises is as to the maintenance, management and general control of the canal after its completion. It should be premised that it is an essential part of our navy establishment to have the canal, oil and other ship supplies, a drydock and repair shops conveniently located with reference to naval vessels passing through the canal. Now, if the government for naval purposes is to undertake to furnish these conveniences to the navy, and if they are conveniences that would seem to be strong reasons why the government should take over and include in its management the furnishing not only to the navy, but to the public, drydock and repair shop facilities and the sale of coal, oil and other ship supplies.

The maintenance of a lock canal of this enormous size in a sparsely populated country and in the tropics, where the danger from disease is always present, requires a large and complete and well trained organization with full police powers, exercising the utmost care.

I cannot close this reference to the canal without suggesting as a wise amendment to the interstate commerce law a provision prohibiting interstate commerce railroads from owning or controlling ships engaged in the trade through the Panama canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboard which this canal was constructed to secure.

Department of Justice.

I am glad to say that under the appropriations made for the department of justice the attorney general has so improved its organization that a vast amount of litigation of a civil and criminal character has been disposed of during the current year. This will explain the necessity for slightly increasing the estimates for the expenses of the department. His report shows the recoveries made on behalf of the government, of duties fraudulently withheld, public lands improperly patented, fines and penalties for trespass, prosecutions and convictions under the anti-trust law and prosecutions under interstate commerce law.

I invite especial attention to the prosecutions under the federal law of the so called "bucket shops" and of those schemes to defraud in which the use of the mail is an essential part of the fraudulent conspiracy, prosecutions which have saved ignorant and weak members of the public and are saving them millions of dollars.

The violations of the anti-trust law present perhaps the most important litigation before the department, and the number of cases filed shows the activity of the government in enforcing that statute.

Judicial Procedure.

One great crying need in the United States is cheapening the cost of litigation by simplifying judicial procedure and expediting final judgment. Under present conditions the poor man is at a woeful disadvantage in a legal contest with a corporation or a rich opponent. The necessity for the reform exists both in United States courts and in all state courts. In order to bring it about, however, it naturally falls to the general government by its example to furnish a model to all states. A legislative commission appointed by joint resolution of congress to revise the procedure in the United

States courts has as yet made no reports.

I am strongly convinced that the best method of improving judicial procedure at law is to empower the supreme court to do it through the medium of the rules of the court, as in equity. This is the way in which it has been done in England.

Relief of Supreme Court From Unnecessary Appeals.

No man ought to have as a matter of right a review of his case by the supreme court. He should be satisfied by one hearing before a court of first instance and one review by a court of appeals. The proper and chief usefulness of the supreme court, and especially the supreme court of the United States, is in the cases which come before it so to expound the law and especially the fundamental law—the constitution—as to furnish precedents for the inferior courts in future litigation and for the executive officers in the construction of statutes and the performance of their legal duties. Therefore any provisions for review of cases by the supreme court that cast upon that court the duty of passing on questions of evidence and the construction of particular forms of instruments, like judgments or wills or contracts, decisions not of general application or importance, merely clog and burden the court and render more difficult its higher function, which makes it so important a part of the framework of our government. The supreme court is now carrying an unnecessary burden of appeals of this kind, and I earnestly urge that it be removed.

Judicial Salaries.

I further recommend to congress the passage of the bill now pending for the increase in the salaries of the federal judges, by which the chief justice of the supreme court shall receive \$17,500 and the associate justices \$17,000, the circuit judges constituting the circuit court of appeals shall receive \$10,000 and the district judges \$9,000. The positions they occupy ought to be filled by men who have shown the greatest ability in their professional work at the bar, and it is the poorest economy possible for the government to pay salaries so low for judicial service as not to be able to command the best talent of the legal profession in every part of the country.

Wiping Out of Postal Deficit.

For many years there has been a deficit in the operations of the post-office department which has been met by appropriation from the treasury. The appropriation estimated for last year from the treasury over and above the receipts of the department was \$17,500,000. I am glad to record the fact that of that \$17,500,000 estimated for \$11,500,000 were saved and returned to the treasury. It is gratifying to report that the reduction in the deficit has been accomplished without any curtailment of postal facilities.

Upon the recommendation of the postmaster general I have included in the classified service all assistant postmasters, and I believe that this giving a secure tenure to those who are the most important subordinates of postmasters will add much to the efficiency of their offices and an economical administration.

The Franking Privilege.

The unrestricted manner in which the franking privilege is now being used by the several federal services and by congress has laid it open to serious abuses.

Parcels Post.

With respect to the parcels post, I respectfully recommend its adoption on all rural delivery routes and that eleven pounds, the international limit, be made the limit of carriage in such post. The postoffice department has a great plant and a great organization, reaching into the most remote hamlet of the United States, and with this machinery it is able to do a great many things economically that if a new organization were necessary it would be impossible to do without extravagant expenditure. That is the reason why the postal savings bank can be carried on at a small additional cost and why it is possible to incorporate at a very inconsiderable expense a parcels post in the rural delivery system. A general parcels post will involve a much greater outlay.

Peary.

I unite with the secretary in the recommendation that an appropriation be made to construct a suitable crypt at Annapolis for the custody of the remains of John Peary Jones.

The unparalleled achievement of Peary in reaching the north pole, April 6, 1909, approved by critical examination of the most expert scientists, has added to the distinction of our navy, to which he belongs, and reflects credit upon his country. His unique success has received generous acknowledgment from scientific bodies and institutions of learning in Europe and America. I recommend fitting recognition by congress of the great achievement of Robert Edwin Peary.

For Eight Hour Day.

It seems to me from the past history that the government has been committed to a policy of encouraging the limitation of the day's work to eight hours in all works of construction initiated by itself, and it seems to me illogical to maintain a difference between government work done on government soil and government work done in a private establishment.

Workmen's Compensation.

In view of the keen, widespread interest now felt in the United States in a system of compensation for industrial accidents to supplement our present thoroughly unsatisfactory system of employers' liability (a subject the importance of which congress has already recognized by the appointment of a commission), I recommend that the international congress on industrial insurance be invited to hold its meeting in 1913 in Washington and be made to cover the necessary expenses of organizing and carrying on the meeting.

Safety Appliances and Provisions.

The protection of railroad employees from personal injury is a subject of the highest importance and demands continuing attention.

Negro Exposition.

I also renew my recommendation that steps be taken looking to the holding of a negro exposition in celebration of the fiftieth anniversary of the issuing by Mr. Lincoln of the emancipation proclamation.

Conservation Address.

In September last a conservation congress was held at St. Paul, at which I delivered an address on the subject of conservation so far as it was within the jurisdiction and possible action of the federal government. In that address I assembled from the official records the statistics and the facts as to what had been done in this behalf in the administration of my predecessor and in my own, and indicated the legislative measures which I believed to be wise in order to secure the best use, in the public interest, of what remains of our national domain. There was in this address a very full discussion of the reasons which led me to the conclusions stated. For the purpose of saving in an official record a comprehensive resume of the statistics and facts gathered with some difficulty in that address, and to avoid their repetition in the body of this message, I venture to make the address an accompanying appendix. The statistics are corrected to November 15, last.

Specific Recommendations.

For the reasons stated in the conservation address, I recommend:

First, that the limitation now imposed upon the executive which forbids reserving more forest lands in Oregon, Washington, Idaho, Montana, Colorado, and Wyoming, be repealed.

Second, that the coal deposits of the government be leased after advertisement inviting competitive bids for terms not exceeding 50 years, with a minimum rental and royalties upon the coal mined, to be re-adjusted every 10 or 12 years, and with conditions as to maintenance which will secure proper mining and as to assignment which will prevent combinations to monopolies control of the coal in any one district or market. I do not think that coal measures under 2500 acres of surface would be too large an amount to lease to any one bids his reserving more forest lands in Oregon, Washington, Idaho, Montana, Colorado and Wyoming, be repealed.

The Secretary of the Interior thinks there are difficulties in the way of leasing public coal lands, which objections he has set forth in his report, the force of which I freely concede. I entirely approved his stating at length in his report the objections in order that the whole subject may be presented to Congress, but after a full consideration I favor a leasing system and recommend it.

Third, that the law should provide the same separation in respect to government phosphate lands of surface and mineral rights that now obtains in coal lands and that power to lease such lands upon terms and limitations similar to those above recommended for coal leases, with an added condition enabling the government to regulate, and if need be to prohibit, the export to foreign countries of the product.

Fourth, that the law should allow a prospector for oil or gas to have the right to prospect for two years over a certain tract of government land, the right to be evidenced by a license for which he shall pay a small sum; and that upon discovery, a lease may be granted upon terms securing a minimum rental and proper royalties to the government, and also the conduct of the oil or gas well in accordance with the best method for husbanding the supply of oil in the district. The period of the lease should not be as long as those of coal, but they should contain similar provisions as to assignment to prevent monopolistic combinations.

Fifth, that waterpower sites be directly leased by the federal government, after advertisement and bidding, for not exceeding 50 years upon a proper rental and with a condition fixing rates charged to the public for units of electric power, both rental and rates to be readjusted equitably every 10 years by arbitration or otherwise, with suitable provisions against assignment to prevent monopolistic combinations. Or, that the law shall provide that upon application made by the authorities of the State where the waterpower site is situated it may be patented to the State on condition that the State shall dispose of it under terms like those just described, and shall enforce these terms, or upon failure to comply with the conditions the waterpower site and all the plant and improvement on the site shall be forfeited and revert to the United States, the President being given the power to declare the forfeiture, and to direct legal proceedings for its enforcement. Either of these methods would, I think, accomplish the proper public purpose in respect to waterpower sites, but one or the other should be promptly adopted.

Valuation of Railroads.

The Interstate Commerce Commission has recommended appropriations for the purpose of enabling it to enter upon a valuation of all railroads. This has always been within the jurisdiction of the commission, but the requisite funds have been wanting. Statistics of the value of each railroad would be valuable for many purposes, especially if we ultimately enact any limitations upon the power of the interstate railroads to issue stocks and bonds, as I hope we may. I think, therefore, that in order to permit a correct understanding of the facts, it would be wise to make a reasonable appropriation to enable the Interstate Commerce Commission to proceed with due dispatch to the valuation of all railroads. I have no doubt that railroad companies themselves can and will greatly facilitate this valuation and make it much less costly in time and money than has been supposed.

Fraudulent Bills of Lading.

Forged and fraudulent bills of lading purporting to be issued against cotton, some months since, resulted in losses of several millions of dollars to American and foreign banking and cotton interests. Foreign bankers then notified American bankers that, after October 31, 1910, they would not accept bills of exchange drawn against bills of lading for cotton issued by American railroad companies, unless American bankers would guarantee the integrity of the bills of lading. The American bankers rightly main-

tained that they were not justified in giving such guarantees, and that, if they did so, the United States would be the only country in the world whose bills were so discredited, and under such guarantees.

The foreign bankers extended the time at which these guarantees were demanded until December 31, 1910, relying upon us for protection in the meantime, as the money which they furnish to move our cotton crop is of great value to this country.

For the protection of our own people and the preservation of our credit in foreign trade, I urge upon Congress the immediate enactment of a law under which one who, in good faith, advances money or credit upon a bill of lading issued by a common carrier upon an interstate or foreign shipment can hold the carrier liable for the value of the goods described in the bill at the valuation specified in the bill, at least to the extent of the advances made in reliance upon it. Such liability exists under the laws of many of the States. I see no objection to permitting two classes of bills of lading to be issued: (1) Those under which a carrier shall be absolutely liable, as above suggested, and (2) those with respect to which the carrier shall assume no liability except for the goods actually delivered to the agent issuing the bill. The carrier might be permitted to make a small separate specific charge in addition to the rate of transportation for such guaranteed bill, as an insurance premium against loss from the added risk thus removing the principal objection which I understand is made by the railroad companies to the imposition of the liability suggested, viz., that the ordinary transportation rate would not compensate them for the liability assumed by the absolute guaranty of the accuracy of the bills of lading.

I further recommend that a punishment of fine and imprisonment be imposed upon railroad agents and shippers for fraud or misrepresentation in connection with the issue of bills of lading issued upon interstate and foreign shipments.

Except as above, I do not recommend any amendment to the interstate-commerce law as it stands. I do not now recommend any amendment to the anti-trust law. In other words, it seems to me that the existing legislation with reference to the regulation of corporations and the restraint of their business has reached a point where we can stop for a while and witness the effect of the vigorous execution of the laws on the statute books in restraining the abuses which certainly did exist and which roused the public to demand reform. If this test develops a need for further legislation, well and good, but until then let us execute what we have. Due to the reform movements of the present decade, there has undoubtedly been a great improvement in business methods and standards and in the earnestness of effort on the part of business men to comply with the law. They are now seeking to know the exact limitations upon business methods imposed by the law, and these will doubtless be made clearer by the decisions of the Supreme Court in cases pending before it.

I believe it to be in the interest of all the people of the country that for the time being the activities of our government, in addition to enforcing the existing laws, be directed toward the economy of administration and the enlargement of opportunities for foreign trade, the conservation and improvement of our agricultural lands, the building up of home industries, and the strengthening of confidence of capital in domestic investment.

The White House, Dec. 6, 1910.

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